

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Dana Fetherson, #302558,

Plaintiff,

v.

Lieutenant Monty Lee Blackmon, Lancaster
County Sheriff Office, County of Lancaster,

Defendants.

C/A No. 0:16-3189-JFA-PJG

ORDER

I. INTRODUCTION

Dana Fetherson (“Plaintiff”), a prisoner proceeding pro se, filed this civil rights action pursuant to 28 U.S.C. § 1983 against Lieutenant Monty Lee Blackmon, Lancaster County Sheriff’s Office, and the County of Lancaster. The Complaint has been filed pursuant to 28 U.S.C. §§ 1915 & 1915A. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., the case was referred to the Magistrate Judge.

The Magistrate Judge assigned to this action¹ prepared a thorough Report and Recommendation (“Report”) and opines that this Court should dismiss the complaint in this case without prejudice and without issuance and service of process as to Defendants Lancaster County Sheriff’s Office and Lancaster County pursuant to 28 U.S.C. § 1915. (ECF No. 13). The Report

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.). The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

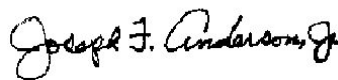
sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation. Plaintiff was advised of his right to object to the Report, which was entered on the docket on October 28, 2016. The Magistrate Judge gave Plaintiff until November 17, 2016, to file objections. However, Plaintiff failed to file any objections to the Report.

A district court is only required to conduct a *de novo* review of the specific portions of the Magistrate Judge's Report to which an objection is made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Report of the Magistrate, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the Court **ADOPTS** the Report and Recommendation (ECF No. 13). Plaintiff's Complaint is dismissed without prejudice and without issuance and service of process only as to Lancaster County Sheriff's Office and the County of Lancaster. The remaining claims as to Lieutenant Monty Lee Blackmon remain pending before the Magistrate Judge.

IT IS SO ORDERED.

December 12, 2016
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge